

Implementation Team Meeting Notes

June 2, 2005

1. Greetings and Introductions.

Today's meeting of the Implementation Team was chaired by Jim Ruff and facilitated by Donna Silverberg. The following is a summary (not a verbatim transcript) of the topics discussed and decisions made at this meeting. Anyone with questions or comments about these notes should contact Kathy Ceballos at 503/230-5420.

Ruff noted that, because of a conflict with a BiOp settlement meeting scheduled for today, none of the states – Oregon, Washington, Idaho or Montana – were represented at today's meeting. The Fish and Wildlife Service was also unable to participate at today's meeting.

2. Updates.

A. In-Season Management (TMT). Cindy Henriksen said TMT is in the process of attempting to refill the headwater storage reservoirs in what is still a low-water year. She said the June early-bird forecast is up a little, thanks to the continuing precipitation. Grand Coulee's June early-bird water supply forecast is now 52.8 MAF, 82.5% of average. At Lower Granite, the forecast is now up to 14.8 MAF, 68.7% of average; at The Dalles, the forecast is now 80.9 MAF, 75.4% of average.

At Libby, the Tier II 2005 sturgeon pulse began in mid-May, with the project releasing up to full powerhouse capacity, Henriksen said. Libby is currently releasing 18 Kcfs, to allow the USGS to complete its in-river studies. Later today or tomorrow, Libby discharge will be reduced further, to a volume calculated to produce a steady Libby outflow through the remainder of June, July and August to achieve elevation 2439 by August 31, Henriksen said – probably about 14 Kcfs. Libby is not expected to refill in 2005, she added – I think 8 or 9 feet from full will be the best we can achieve.

Hungry Horse is expected to refill some time around the end of June, Henriksen continued; the project is releasing about 3.7 Kcfs. There have been a number of issues with lightning strikes in the Flathead valley this week and last week, causing some short-term fluctuations in flow. Hungry Horse operations will target elevation 3540, 20 feet from full, by August 31.

Grand Coulee is also refilling, said Henriksen; the drum gate repairs were completed on schedule in mid-May. During May, Grand Coulee was used to meet the

flow target at Priest Rapids; the May average flow at Priest Rapids was 133 Kcfs. The current Grand Coulee elevation is 1258 feet, 22 feet from full and refilling. This week's Priest Rapids flow target is 125 Kcfs, to allow Grand Coulee to refill somewhat faster; next week's target will be 120 Kcfs, at least until next Wednesday's TMT call, at which time the operation may be adjusted further, possibly to as low as 110 Kcfs.

Dworshak is now within 2 feet of full, and filling said Henriksen; current outflow is 5.3 Kcfs. We had been using Dworshak earlier in May to augment flow at Lower Granite, but the available volume is now nearly exhausted. Lower Granite flows have receded from a peak of 135 Kcfs to about 80 Kcfs, currently. McNary's May-average flow was 235 Kcfs.

Do you have a summer flow projection for McNary and Lower Granite? Bob Heinith asked. I believe that, using the May final water supply forecast, the average flow at Lower Granite was in the 23-25 Kcfs range during the summer period; at McNary, about 135 Kcfs, Henriksen replied. Flows will likely be greater during the first part of July, and then will recede naturally by the end of August, to perhaps 20 Kcfs at Lower Granite by August 31.

Ruff said he had heard that, thanks to recent precipitation events, the Bureau of Reclamation had upped its estimate of the available flow augmentation volume from the Upper Snake projects to about 300 kaf. That sounds about right, replied Mary Mellema. That's certainly a lot better than it was before, said Ruff.

Do you expect Grand Coulee to refill in 2005? Ruff asked. Yes, Henriksen replied – we think we can get to elevation 1288-1290 by the end of June. And the plan is to draft to elevation 1278 by August 31, with 5 feet of water out of Banks Lake? Ruff asked. Yes, Henriksen replied.

Henriksen noted that TMT has also been holding a series of process meetings to discuss the annual water management plan and the annual calendar of events, with the goal of setting TMT agendas that anticipate, rather than react to, upcoming events. We're trying to look farther into the future, in an effort to address issues before they become issues, she explained.

We also discussed some questions we would like to bring forward to the IT, Henriksen said; one of those questions had to do with timeline, given all of the legal and court activities going on in the region. One concern is that we don't have a clear understanding of the operating plan for the rest of 2005; from the action agencies' perspective, we are operating to meet the 2004 BiOp UPA. We have a water management plan in place based on the UPA, and that is what the action agencies are operating to. We wanted to check in with you, however, to verify that that is the correct operating strategy. I think the short answer to your question is yes, said Ruff; later in today's agenda, however, we will be discussing factors that might change that, including next week's court hearing on a preliminary injunction for remedy. In the meantime,

continue doing what you're doing, he said.

Another question arose as we were looking forward and talking about issues that might be elevated for IT resolution later this summer, Henriksen said. TMT's question for IT is, how do you view policy questions? What is a good way to frame a question so that it is resolvable by IT, without coming back as a technical question? That's probably something we need to discuss further, replied John Palensky; it is often difficult to find that bright line between policy and technical. Often, we try to take a technical question and frame it as a policy issue, when really, it's just a dispute resolution exercise between two technical points of view. We have been talking about how to improve the Regional Forum process, and make it more user-friendly and clear, Palensky said; we'll continue to talk about that.

Finally, said Henriksen, we were talking about what TMT can do better. Is there something additional the IT needs from TMT, and how can we help make the process better? One thing would be that, if the TMT sees an issue coming up, and can anticipate the need for policy guidance from IT down the road, if you could give us some advance warning, Ruff replied – that might help you frame your discussion. In reviewing the water management plan, if you see issues coming up, let us know, he said.

One important issue, from CRITFC's perspective, is that we, too, put out an annual water management plan, said Bob Heinith. Every year, we ask for a formal response from the action agencies, and we never seem to get one. The plan addresses a number of controversial issues, and it would be nice to have that conversation, and to get a response to our plan. The executives did respond last year, and we are working on our response this year, Henriksen replied. However, by the time we get a response, it's basically moot, because the management season is over, said Heinith – I'm frustrated, because we're not making any progress on that issue.

Henriksen noted that, in 2005, the CRITFC river operations plan was presented to TMT in late March; by that time, the 2005 water management plan had already been finalized, and TMT was working on the spring/summer update. In other words, what we have, essentially, is two parallel processes, which makes integration difficult. I would add that CRITFC's 2005 plan was based on a water supply forecast that was about 90% of average, she said. No, it wasn't, Heinith replied – it was based on the same forecasts the Corps was using. My point is that we need to find a process for doing this outside the courts, Heinith said.

Are you hoping to do that through the Regional Forum process? Silverberg asked. We hope that would be a place to start, Heinith replied. It would be our hope that we could do that through the Regional Forum process as well, said Ruff – that we could address these issues at IT and TMT, rather than through the courts.

Another difficulty is that the CRITFC plan represents a point in time, in this case, in March, said Henriksen – since then, we've had to move forward, to deal with

changing water supply forecasts and other in-season events. Looking back to a plan that was developed in March would be difficult to do, because it was based on a different set of factors and assumptions. We're way past it because we didn't get a response in the first place, Heinith said.

I understand your frustration, said Ruff. It seems to me that we're both in agreement that we would like to work this through the Regional Forum process; given that TMT meets on a weekly basis, I would encourage the tribes to re-engage at TMT, because conditions do change. That doesn't preclude you from taking your plan, factoring in those changing conditions, and recommending operations at TMT, Ruff said.

TMT is fine, but we're looking for some acknowledgement of our plan from the federal executives, Heinith replied. If things can't be done, we would like to receive some explanation of why not – sooner, rather than 3 or 4 months down the road. In response to a question, Heinith said CRITFC submitted its 2005 water management plan directly to the federal executives in late March.

Silverberg observed that, while CRITFC does send technical representatives to many of the Regional Forum teams, those representatives are not members, and do not participate formally. It's a policy issue, dating back 7 or 8 years, Heinith replied – the tribes formally withdrew from the Regional Forum process because they were not offered a seat at the table to make decisions at the executive level. The tribes are asking the federal executives for consultation – before they do anything that affects our trust resources, we want to sit down and consult on those actions. That forum has not yet been established, Heinith said; until it is, tribal staff is going to keep making recommendations as to how we think the river ought to be run, and we would like some feedback, so that we're not just operating in a vacuum.

It was noted that the tribal and federal executives are scheduled to meet on June 22; it was agreed to place a report on the outcome of that meeting on the July IT agenda.

B. Independent Scientific Advisory Board (ISAB). Doug Marker noted that the ISAB is currently undergoing a large turnover in membership; more than 50% of the group's 12 members will not be returning. The oversight committee met yesterday to review new member nominees, Marker said, adding that he will provide a further update to IT once he knows who the new ISAB members are.

C. Water Quality Team (WQT). Ruff said that, as most IT members are aware, there have been ongoing discussions at WQT, at the most recent meeting of the Oregon DEQ Commission, and among the federal agencies, about the use and efficacy of the Camas/Washougal monitoring gauge below Bonneville Dam. The federal agencies have met several times to discuss Camas/Washougal and other potential fixed monitoring sites below Bonneville, said Ruff; the upshot of those discussions is that we

have not yet come to any resolution, but are continuing to work together. As soon as this issue is resolved, we will let you know.

The other issue related to this topic is the measurement of TDG levels over the chum redds below Bonneville, Ruff said – as most of you are aware, TDG concerns are limiting the amount of spill during the spring period. If gas is a concern at the redd sites, we shouldn't be managing spill using a tailrace fixed monitoring station – we should be measuring it over the redds, and monitoring for TDG effects in the fry. It would be useful to get a one-pager laying out such a monitoring project, Ruff said.

D. System Configuration Team (SCT). Bill Hevlin reported that the Lower Monumental radio-tag study was completed last week; the balloon-tag study is now underway at that project. The researchers are having some difficulty getting large enough fish for their study, he said; we missed two study days in the past week because they couldn't tag the fish they need. Hevlin said the flow range was wide over the radio-tag test period, which should provide some good information about survival and egress timing under a variety of tailrace conditions. I expect to see preliminary balloon-tag study results as early as next week, Hevlin added.

Beyond that, he said, SCT is focusing on prioritizing the FY'06 CRFM program; we plan to update the criteria we have used previously and apply it to the current list of projects. Ruff encouraged the SCT, like TMT and IT, to look somewhat farther down the road during its FY'06 prioritization process, in an effort to anticipate any upcoming issues that will need to be resolved. The IT would probably be quite interested in looking at your revised prioritization criteria, said Ruff; we would also be very interested in discussing the results from the 2005 test season at the Lower Snake projects as soon as results are available. We were thinking that SCT would attempt to develop draft criteria, based in part on the 2005 study results from Ice Harbor and Lower Granite, Hevlin said; we were then planning to bring our revised criteria to IT for further discussion. It was agreed that this course of action makes sense. Kim Fodrea added that a discussion of the Corps' RSW action plan is scheduled for the August IT meeting. That's a little different than what Bill is discussing, said Ruff – he's talking about the results of ongoing research, and how those results ought to be used to inform the RSW decision process.

Doug Marker added that the ISRP has been looking at the research prioritization process; I didn't just want to let the ISRP's recommendations drop, so I have asked Stave Waste and Bruce Suzumoto to look at those recommendations, and think about how best to involve the ISRP in this year's study review process. Hevlin suggested that Waste and Suzumoto attend the next one-pager review meeting. Either that, or they will meet with you separately, said Marker. I'll make sure that Bruce and Steve receive the packet of proposals, said Hevlin. Anyway, I just wanted you to be aware that we don't want to let the ISRP's recommendations drop this year, Marker said.

E. TMDL Update. No report.

3. Research, Monitoring and Evaluation (RM&E) Issues.

Marker said the Council had asked for response to the ISAB's proposed load following study; a number of Corps personnel helped Council staff formulate that response. I sent a memo to the Council about this, said Marker; I can share it with you today. Marker said the memo concluded that the load following study does not appear to be feasible, under any circumstances, this year, with one exception. Bonneville is funding an ongoing physical monitoring test in the Lower Snake. Battelle has said that they can provide some useful information if they can be given a contract extension, and we're looking at that, said Marker. A one-pager is also being developed for consideration for the SRWG's FY'06 funding cycle.

Ruff added that it is his understanding from the NMFS Science Center that it may not be necessary to conduct this testing in-river – it may be possible to determine the effects of load following on fish using a test flume. The real issue is whether load following and power peaking creates a wave that echoes off the dam, effecting fish behavior. It was agreed that, once the one-pager on this potential study is received, CRITFC, NMFS and the Council will draft a letter of response. The important thing is for everyone in the region to understand where this potential study will be discussed, said Ruff – the Corps' SRWG/AFEP process.

The discussion then moved on to the Corps' Snake River fall chinook transport study plans. Eric Braun said his understanding is that the life-history research is now underway. There will also be a transport study this year, designed to gather information on overall survival under whatever conditions are encountered in 2005. The goal is to gather some preliminary information to lay the groundwork for a more comprehensive in-river vs. transport survival study once all of the Snake River RSWs are in place a couple of years from now, or some combination of RSWs and bulk spill can be used to provide a scientifically valid comparison between routes of passage, said Braun.

It was agreed that, absent the state representatives, it would not be possible to address this topic in depth at today's meeting. The question we need to be able to answer is, what are the objectives of these studies, and what specific questions and uncertainties are we trying to address? said Ruff. We know there are two fall chinook life-histories; it could be that a given operation is beneficial to one life-history, and detrimental to another. Ruff noted that an ad hoc group has been meeting to discuss the fall chinook transport study, although not recently. The purpose of that group is to try to reach agreement on what a comprehensive fall chinook transport study plan should look like. Heinith noted that the ad hoc group has reached agreement on a number of significant study elements.

The fall chinook transport study was identified as an issue that needs to be discussed regularly at the Regional Forum, said Ruff – I just wanted to remind the group of that. Heinith replied that, at this point, the tribes are probably more comfortable

discussing the specifics of the study design within the ad hoc process; that group will then report back to IT. There was general agreement that this would be an efficient way to proceed.

4. Planning/Decision Making Issues.

We heard earlier in the meeting that it is unlikely that Libby will refill in 2005, and that the action agencies' current plan is to pick a flat flow – probably about 14 Kcfs – that will draft Libby to elevation 2439 by August 31, said Silverberg. Correct – that gets at the Council's mainstem amendment, and I was curious whether the tribes have an opinion about that proposed operation, said Ruff. Yes – it's in our River Operations Plan, Heinith replied. Essentially, what we're asking for is an additional 200 kaf from Libby and an additional 50 kaf out of Hungry Horse this year, shaped the way the Amendment calls for. I thought the Mainstem Amendment called for the 20-foot draft to be prorated out through the end of September, Ruff observed. We would like to put the water on the fish, primarily at the end of August and the first week in September, said Heinith.

Eric Braun noted that the Mainstem Amendments describe the Libby/Hungry Horse operation as a test; he asked the other IT participants to think about what questions this "test" is intended to resolve, and what the RM&E package should look like. Silverberg noted that it is getting somewhat late in the season to try to redefine the Montana study package; she reminded the group that this is what happened last year – the decision was delayed to the point that it was not possible for Montana to conduct all of its planned research. Silverberg recommended that any input the IT participants plan to provide be given to the appropriate parties as soon as possible.

5. Regional Forum Process Issues.

Ruff said the IT's process subgroup – himself, Kim Fodrea, Palensky and Marker – met yesterday to discuss Regional Forum issues. As you will recall, at the last IT meeting, we broke out a number of issues for further development, one of which was process. We agreed to form an IT subgroup to begin to get a handle on ways to improve decisionmaking within the Regional Forum process, Ruff said; at that meeting, we discussed some potential process refinements and followed up on some of the Council's recommendations regarding strategic planning initiatives. In other words, said Ruff, we talked about strategies to improve the way we do business, with the goal of reinvigorating the IT and Regional Forum processes.

We discussed several issues in some detail, Ruff continued. The first was the IT guidelines and procedures, last approved by this group in November 2002. We noticed that, in those procedures, there was provision for an executive committee. One possibility we discussed was trying to initiate an executive forum within the Regional Forum process, to which the IT would provide support. The concept is that the executives would meet quarterly, or as needed, to resolve large policy issues, Ruff

explained; some of those large policy issues are identified in the notes from the May IT meeting. They include:

- Decision criteria and schedule for installation of RSWs
- Review of annual research, research planning and priorities
- System flood control decision criteria – should we move forward with the system flood control feasibility study? What should guide that decision?
- The ISAB load-following study.

There were a number of other large policy issues that could be strategically discussed and planned for in advance of having things bubble up as disputes, said Ruff.

We spent a fair amount of time talking about the re-engaged executive committee, and how it might function relative to the IT, said Marker. The examples Jim just gave are good examples of the large policy issues the region will need to address over the next few years. How can IT best facilitate a regional discussion of those issues? How can we get the right folks to the table, and who might those folks be? Marker asked, My supposition is that it would be senior executive staff – not necessarily the regional administrators, but the next tier down. They would need to be presented with a prepared agenda defining the issues and reflecting as much work as the IT can do up to that point, said Marker. The key would be for the IT to look forward a couple of years into the future, identify the issues that are coming and prepare for an orderly and timely discussion of those issues. That isn't necessarily the only option, however, Marker added.

The Council is interested in the possibility of a regional executive quorum to deal with the issues in the Mainstem Amendments, said Marker. It's possible that the Council forum could play an organizing role in the discussion of these issues. The IT discussion could then be brought to a regional forum that exists with the Council. The problem with that approach is that it tends to create a structure of presenters and the Council, rather than people sitting around the table as co-equal participants. There would then be an executive group that would meet quarterly.

We discussed these concepts at yesterday's subgroup meeting, and came to the conclusion that the logical next step would be to put some of these issues down on paper, with a possible timeline for their resolution, Marker continued. We wanted to talk to Donna about how to make that timeline as effective as possible, in terms of deliverables. We also need to discuss the most effective role of the IT in fleshing out the issues to be presented, Marker said.

One of the first issues that was brought up as we began our discussion of ways to improve the Regional Forum process was how best to reach out to the tribes, Ruff said – how can we bring them back in as participants in the Regional Forum process? How would the states be represented at such a forum? Heinith asked – would each agency send a representative? I would see it as a governor designee, Marker replied.

That's how NMFS sees it too, added Ruff – the governor's office would designate a representative.

It sounds as though that might be a good step, in terms of improving the Regional Forum process, but I think the tribes are still going to want direct consultation at the executive level, said Heinith – they will want that last check-in among the trustees before decisions are made. What you're proposing sounds good to me, Heinith said – the idea of really airing out these issues at a regional level, and trying to stay ahead of the curve, is something that has really been lacking over the last few years. It would be nice to convene the executives at least semi-annually, he added.

I would also suggest that the policy subgroup work to develop a strawman workplan to bring to the next IT meeting – issue, timelines, decision points, Ruff said. We don't have anything to share today, but the consensus at yesterday's meeting was that a Regional Forum workplan would be very useful.

The main theme I came away with from yesterday's subgroup meeting was the need for broader participation, said Palensky – not just from the tribes, but from environmental groups and industry representatives as well. We talked about how to garner regional buy-in into what we do – how do you share that throughout the region, and get the region to buy in? Currently, I don't think we do as good a job as we could to communicate what we're doing to the Council, Palensky said. The other thing we discussed this morning is the need for greater clarity as to the difference between policy and technical issues, Palensky added. To me, these are the issues the subgroup needs to address.

Ruff asked the other IT participants to discuss the executive forum concept with the appropriate personnel within their organizations, and test the waters, so to speak, to see what their response might be. You might also discuss the concept of broadening Regional Forum participation, he added – whether to invite a broader spectrum of regional entities to provide their input, though not necessarily as voting members. That sounds like a good next step, Silverberg said – it would be extremely useful to get some broader feedback as to the feasibility of the executive forum concept.

Moving on to the current status of the BiOp litigation, Ruff said that, last week, Judge Redden invalidated the 2004 BiOp. My understanding, in speaking with NMFS attorneys, is that Judge Redden found some legal flaws in the Biological Opinion, said Ruff. What does that mean? Immediately, it means that because the federal government lost this case, a remedy hearing will be held on June 10 to discuss a preliminary injunction on operations for the rest of the year.

That's the next step, in terms of river operations, said Ruff; as to what happens to the 2004 BiOp, we still don't know what all of this means, except that it is likely that we will have to prepare a new Biological Opinion. There are also ongoing, confidential settlement discussions among the federal agencies and the state governors' offices, he

said; that's where all of the state representatives are today. The tribes are not a part of those discussions, nor are the other plaintiffs, Ruff added. I'm not sure what that means, but at this point, our understanding is that the goal of those talks is to craft a settlement that can then be presented to Judge Redden on June 10.

We're studying Judge Redden's opinion to decide on the most appropriate course of action, said Ruff. the available options should be no surprise – we can either appeal his decision to the 9th Circuit in San Francisco, or we can let it stand. No decision has been made, at this point, as to whether or not to appeal. I did want to make it clear, from a federal perspective, that we will continue to work with other parties in the region to develop and implement a comprehensive salmon recovery plan for all of the listed species, said Ruff. The Council will receive a progress report on that effort at their June meeting, Palensky added.

6. Next IT Meeting Date.

The next meeting of the Implementation Team was set for Thursday, July 14. Meeting summary prepared by Jeff Kuechle, BPA contractor.